

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: DAVID ROBERT THOMPSON and
DENISE PEARLY THOMPSON

Debtors

CASE NO. 1:18-BK-00449-RNO

CHAPTER 13

CARTER LUMBER COMPANY, INC.

Objector

CASE NO. 1:18-BK-00449-RNO

CHAPTER 13

vs.

DAVID THOMPSON and DENISE
THOMPSON,

Respondents

Charles J. Dehart, III
Standing Chapter 13 Trustee,

Additional Respondent

**OBJECTIONS OF CARTER LUMBER COMPANY, INC. TO CONFIRMATION OF
DEBTORS' CHAPTER 13 PLAN**

Carter Lumber Company, Inc., through its undersigned counsel, hereby objects to the confirmation of Debtors' proposed Chapter 13 Plan for the following reasons:

1. Debtors' Chapter 13 Plan is not feasible because, according to the Claims Register, the total priority claims in this case equal an amount not less than \$49,846.13, and therefore exceed the Plan's total payments of \$35,400.00. See 11 U.S.C. §§ 507(a)(8)(B), 1325(a)(6); Claims Register, Claim Nos. 3, 19, 20.

2. Debtors' Chapter 13 Plan is also not feasible because Debtors' Schedules I and J do not reflect a sufficient gross monthly income to properly fund the plan.

3. Carter objects to Debtors' request to avoid Carter's judgment lien because the judgment lien does not impair the Debtors' exemption on the property. 11 U.S.C. § 522(f). Carter's Judgment Lien amount is \$619,297.04 as reflected in its duly-filed Proof of Claim. Debtors claim a \$47,350.00 exemption on for property located at 199 Beagle Club Road, Carlisle, Pennsylvania. Despite listing the lien property value as \$382,000.00 in Debtors' Chapter 13 Plan, Debtors have listed the lien property for sale at \$409,900.00, reflecting a near \$28,000.00 difference in valuation. See Zillow Sale Listing for 199 Beagle Club Road, *available at* https://www.zillow.com/homedetails/199-Beagle-Club-Rd-Carlisle-PA-17013/9265023_zpid/ (last visited May 18, 2018). The Beagle Club Road property value is significantly greater than Debtors' Plan suggests, and therefore, Debtors' exemption is not impaired by the judgment lien, and should not be avoided. 11 U.S.C. § 522(f).

4. Debtors' Petition was not filed in good faith.

5. Upon information and belief, Debtors have not filed all required Federal, State, and local tax returns as required by 11 U.S.C. 1308.

6. The Plan has not been proposed in good faith.

WHEREFORE, Carter Lumber Company, Inc. prays that its objections be sustained and that the confirmation of Debtors' Chapter 13 Plan be denied.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

By: /s/Joshua J. Bovender
Joshua J. Bovender, Esquire
PA I.D. No. 314001
P.O. Box 999
Harrisburg, PA 17108-0999
(717) 237-7153

3137127.1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: DAVID ROBERT THOMPSON and
DENISE PEARLY THOMPSON

Debtors

CASE NO. 1:18-BK-00449-RNO

CHAPTER 13

CARTER LUMBER COMPANY, INC.

Objector

CASE NO. 1:18-BK-00449-RNO

CHAPTER 13

vs.

DAVID THOMPSON and DENISE
THOMPSON,

Respondents

Charles J. Dehart, III
Standing Chapter 13 Trustee,

Additional Respondent

CERTIFICATE OF SERVICE

I, Dana A. Shanaberger, an employee of the law firm of Thomas, Thomas & Hafer, LLP, hereby certify that a true and correct copy of the foregoing was served this day via filing with this Court's ECF system on all persons who have entered an appearance in this case, and via email to debtors' counsel, on the date noted below.

James W. Adelman, Esquire
Morris and Adelman PC
201 N. Presidential Blvd.
Suite 100
Bala Cynwyd, PA 19004
jwadelman@morrisadelman.com
Pennsy Supply Inc.

Karina Velter, Esquire
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
kvelter@manleydeas.com
Nationstar Mortgage LLC d/b/a Mr. Cooper

Thomas O. Williams, Esquire
Reager and Adler, PC
2331 Market Street
Camp Hill, PA 17011
twilliams@reageradlerpc.com
Catherine Colm & James Hegeman

Tracy Lynn Updike, Esquire
Schiffman, Sheridan & Brown, PC
2080 Linlestown Road
Suite 201
Harrisburg, PA 17110
tupdike@ssbc-law.com
PA Central Federal Credit Union

Joseph P. Schalk, Esquire
Barley Snyder
213 Market Street, 12th Floor
Harrisburg, PA 17101
jschalk@barley.com
Precast Systems, LLC

Robert E. Chernicoff, Esquire
Cunningham and Chernicoff PC
2320 N. 2nd Street
Harrisburg, PA 17110

Linda S. Bales Living Trust

Donna Donaher
First National Bank
100 Federal Street, 4th Floor
Pittsburgh, PA 15212
donaherd@fnb-corp.com
First National Bank of Pennsylvania

Jeffrey C. Clark, Esquire
Wix Wenger and Weidner
508 North Second Street
P.O. Box 845
Harrisburg, PA 17108-0845
jclark@wwwpalaw.com
Jesse Esh

Valerie Smith
Synchrony Bank
c/o PRA Receivables Management, LLC
Senior Manager
P.O. Box 41021
Norfolk, VA 23541
claims@recoverycorp.com

THOMAS, THOMAS & HAFFER, LLP

/s/Dana A. Shanaberger
Dana A. Shanaberger

Date: 5/22/18